

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
AUGUST 8, 2013  
REVISED  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Steven Burg called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR	STEVEN BURG	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	PATRICIA FRANTZ	ABSENT/EXCUSED
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	DEBORAH A. NORKAVAGE	PRESENT

Town Solicitor, Edward McNally – Present  
Town Manager, John Giles – Present  
Chief of Police, Laura Giles – Present

**PUBLIC COMMENT:**

**APPROVAL OF MINUTES:**

Minutes of the July 11, 2013 Council Meeting

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the July 11, 2013 Council Meeting with no corrections. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

**PRESENTATION:**

The Mayor and Council heard from citizens who are trying to establish a community garden in the Town.

Elisa & Glen King 247 Bungalow Avenue presented their idea of a community garden to be housed on the Tennis Courts a Joseph Whalling Park. They stated that this was a perfect location because it was a property which was already fenced and only needed minor modifications to allow the use. The only thing they are looking for from the Town is a potential water source, use of the Tennis Courts at Joseph Whalling Park, minor modifications to the fence at the park by adding a gate and patching a small portion of the fence and to allow the Town Manager the ability to work with them to finalize any additional details.

The Council asked about insurance for the property.

Mr. & Mrs. King stated that they have not done a whole lot of research on that topic but are willing to do that work.

Town Manager John Giles stated that the Town already has liability for the property itself; however, the current insurance does not cover volunteers for another entity on our property. He stated that he has asked our insurance carrier to give us information on covering this and what is available.

Councilman Kacperski asked if the committee would be asking for additional gardens or just the one.

Mrs. King stated at this time they only intend to have the one garden, but if the project evolves and is popular enough, they would certainly considering expanding or adding an additional location in the future.

Councilman Kacperski asked if that location would need to be fenced in.

Mrs. King stated that initially she would say yes, however, if the garden becomes enough of a success, security may not be an issue. But with this being a new venture and unknown circumstances, the initial garden should be fenced and locked during the nighttime hours for security.

**ACTION:** A motion was made by Councilman Jaremchuk to allow residents to negotiate with the Town Manager the use of the Tennis Courts a Joseph Whalling Park for a community garden to be revisited in 1 year. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

**OLD BUSINESS:**

Consideration for First and Second Reading of Ordinance 570.

**ACTION:** A motion was made by Councilwoman Personti to take Ordinance 570 off the table for discussion and First and Second Reading. The motion was seconded by Councilman McKewen.

**VOTE:** 6-0 with 1 Absent All-in-favor Motion carried

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 570 for Third and Final. The motion was seconded by Councilman McKewen.

Councilman Jaremchuk gave a brief overview of the Ordinance stating that the Town cannot go years without a tax increase and then need to raise taxes significantly. Therefore, he would like to increase taxes by a small margin as determined by the actual cost of living increase as determined by the bureau of labor statistics in Philadelphia each year.

**VOTE:** 4-2 with 1 Absent Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Absent, 3<sup>rd</sup> District – No, 4<sup>th</sup> District – Yes,

5<sup>th</sup> District – No, 6<sup>th</sup> District – Yes, Mayor – Yes

The Mayor and Council will be updated on the below listed subjects which were discussed at the July 2013 Council Meeting

1. The Towns current regulations concerning satellite dishes.

Town Manager John Giles stated that during his research that he learned that the FCC regulated what we can and cannot regulate on satellite dishes and that regulating where they can be installed is something that we cannot do and believes there is nothing additional to discuss on the topic.

2. The types of services and programs available to the youth of the Town.

Town Manager John Giles stated that he met with the Director of the Elsmere Recreation Center and that they indicated that the reason they stopped their public events was because the Town took over doing community events. He stated that they were willing to bring back any events that the Town was interested in and that they would be happy to also participate in any Town Events.

Council asked that the Town Manager ask them to do something like the scarecrow contest for Halloween this year as a start.

3. The financial outcome of the Independence Day Celebration.

Town Manager John Giles stated that he would like to wait to discuss this topic until Councilwoman Frantz is present since this Celebration occurs within her Council District.

Mayor Burg stated that he agreed however, he would like to state for the record that next year he does not want to organize the event as he did this year. He isn't saying what type of event he does or doesn't want at this point, he just does not want the same role next year as event organizer.

4. Potential regulations concerning temporary pools.

Town Manager John Giles stated that Planning Commissioner Jerry Lindell has been able to research information on pool regulations and they vary too heavily and that he feels that the best place to start with this project is to find out what the council would like the regulations to be.

Council asked that they be given a questionnaire regarding pool regulations so that they can submit their thoughts on the regulations.

**NEW BUSINESS:**

Consideration of Resolution 13-06.

Town Manager John Giles stated that this resolution will allow us to address any flood mitigation action without adding a specific property to the mitigation plan and will speed up the process.

**ACTION:** A motion was made by Councilwoman Personti to approve Resolution 13-06. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 6-0 with 1 Absent All-in-favor Motion carried

Consideration of a request by the Town Manager to amend the approved FY 2013-2014 Revenue Budget by reducing the budgeted amount in the “Rental Income Administration” line item “4-01-04-10-0110-0000” to \$87,737.00 which is a reduction of \$2,550.00.

**ACTION:** A motion was made by Councilwoman Personti to approve the budget amendment as requested. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 1 Abstained and 1 Absent Motion Carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Absent, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Yes, 5<sup>th</sup> District – Yes, 6<sup>th</sup> District – Yes, Mayor – Abstained

Mayor Burg stated that he abstained because he is employed by New Castle County.

#### **DEPARTMENTAL REPORTS:**

##### Code Enforcement

Town Manager John Giles presented the written report. He stated that at Fenwick Park Apartments there were 97 violations issued on Cypress Avenue alone during the enforcement campaign.

Councilwoman Personti asked if these violations had staggered compliance deadlines.

Town Manager John Giles stated that he plans to enforce the 48 hour compliance deadline in as many cases as possible, but anything extensive such as roofing may be given a longer compliance period. He stated that he wants to be able to prove that the Town was reasonable on each occurrence with the compliance time.

##### Finance

Town Manager John Giles presented the written report. He stated tax payments are coming in and they do include any special tax liens for fees past due before July 1, 2013.

##### Public Safety

Chief Laura Giles presented the written report. She stated that the Police issued 6 seat belt violations, 1 cell phone violation, 1 wrong direction violation and 1 revoked license during the enforcement campaign at Fenwick Apartments. The VAC fine total received was \$18,593.93 for July. DelDOT reported that \$572.93 was received for Red Light Cameras for July.

##### Public Works

Town Manager John Giles presented the written report. He stated that the oldest truck is going bad; we have had to replace a \$1,000.00 engine computer module.

Councilwoman Norkavage asked at what point he thinks we should look into replacing the street sweeper.

Town Manager John Giles stated that he believes that the time to start looking is now and that it is down more than it works.

Council asked the Town Manager to research the cost of a new street sweeper and see if we can maybe get a trade in value for the existing sweeper.

Town Manager

Town Manager John Giles presented the written report. He stated that he plans to discuss that the Emergency Notification System Company has sold their company and is no longer honoring the previous companies prices, he stated that is going to come back to the Council next month about a needed budget adjustment to allow this purchase at the new higher price.

Chief Laura Giles stated that the Police Department has put an ad on the website and Facebook soliciting applicants to create an eligibility list.

Town Manager John Giles stated that he also wanted to announce that residents should not be offended if they do not see their comments on Facebook. The Town has a policy where any comment good or bad is automatically removed from the site.

**ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

**Mayor** – Stated that he was contacted by a few residents who complained about the police officers were blocking a turn lane to the Sunoco while running radar making it difficult to turn into the gas station. Also, on Rt. 100 they are blocking the turn lane from Cleveland Avenue blocking traffic running radar.

**District 1** – None

**District 2** – None

**District 3** – Councilman Kacperski asked if any members of Council had any interest in constructing a Community Swimming Pool.

Councilwoman Norkavage stated that there are more important things like streets, sidewalks and possible solar farm that she would rather support than a swimming pool that would require staff and regulations and construction costs.

**District 4** – Councilman McKewen asked if the Council would re-consider the possibility of forming a corporation to sell vacant properties which the Town would acquire through sheriff sales for delinquent taxes.

Mr. McNally stated that the Town would purchase the property and sell to a private contractor to flip and sell.

**ACTION:** A motion was made by Councilman Jaremchuk to create an ad-hoc committee of council consisting of 3 members to study information provided by the Town Solicitor on the possibility of forming a vacant property corporation. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 6-0 with 1 Absent Motion Carried

At this time Councilman Jaremchuk, Councilman McKewen and Councilwoman Norkavage were appointed to serve on this new committee for vacant properties.

**District 5** – Councilwoman Personti stated that she would be on vacation and would not be at the September Council Meeting.

**District 6** – None

**PUBLIC COMMENT:**

Mary Grant of 117 Filbert Avenue asked about the possible vacant property corporation, if the Town would consider using that as a possible platform for first time homebuyers.

Councilman Jaremchuk stated that it was certainly a possibility that they could consider and that the Town did at once offer a discount on transfer tax for first time homebuyers but that the ordinance had to be repealed due to the fiscal impact on the Town.

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Jaremchuk to adjourn. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 6-0 with 1 Absent All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**STEVEN E. BURG**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**